IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

Crl. Rev. Pet.No. 509 of 2007(C)

REVN. PETITIONER: COMPLAINANT

M.J.JOSE, MANIAMKOTE HOUSE,
KANNAMKULANGARA, TRIPUNITHURA,
REP. BY POWER OF ATTORNEY K.G.NOBLE.

BY ADV. SRI.P.C.IYPE
SRI. K. BIJU

RESPONDENTS: RESPONDENTS/ACCUSED
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1. M.C.JOSHUS, MALAMEL HOUSE,
D.NO.50/1006 B, PRASANTHI NAGAR ROAD,
EDAPPALLY, KOCHI- 24.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 07/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 509 OF 2007

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Dated this the 7th day of February 2007

O R D E R

The revision petitioner is the complainant in C.C. No. 1360/2002 in the court of Additional Chief Judicial Magistrate Court, Ernakulam with respect to the offence under section 138 of the Negotiable Instruments Act. The complaint stands dismissed under section 204 (4) Cr. P.C. It is submitted that the report of the police that address furnished is incorrect, is false and the accused is just evading the service and the police is colluding.

The complaint has been dismissed also on the ground that complainant is absent. I find that even as per the order the counsel has represented the complainant on the particular day. In the circumstances, the order of the court below is set aside and the court below is directed to permit the petitioner to further pursue the matter. The Crl. R.P is allowed and the petitioner will appear before the court below on **26.02.2006**.

The Crl. R.P is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

RV